

§ 727.11

part with respect to matters about which they consulted or advised said person in an official capacity.

(b) *Solicitation.* Active duty military personnel, civilian employees of the Navy and Marine Corps, and inactive reservists, acting in an official capacity, are prohibited from soliciting, or advising that any person entitled to legal assistance under this part retain, consult, or seek legal services from themselves in their private capacities, or from any attorney who is a partner or associate of a law firm of which they are partners or associates, or from any attorney with whom they share office spaces; *Provided* that nothing herein shall prevent such person from being referred to civilian counsel as provided in § 727.9.

(c) *Representation before civilian courts or agencies.* No active duty Navy or Marine Corps judge advocate may appear as counsel on behalf of any person entitled to legal assistance, except as provided in paragraph (a)(3) of § 727.6, or the Expanded Legal Assistance Program, or under guidelines prescribed in the Manual of the Judge Advocate General, before any civil court, civil administrative tribunal, civil regulatory body, or civil governmental agency, in any proceeding, whether or not a fee or other compensation is accepted or received, without prior written approval of the Judge Advocate General, the administrator of the applicable program, or the Commander, Naval Legal Service Command, as appropriate. Requests for such permission may be in the form prescribed in the Manual of the Judge Advocate General.

[47 FR 41561, Sept. 21, 1982, as amended at 65 FR 26749, May 9, 2000]

§ 727.11 Supervision.

The Judge Advocate General will exercise supervision over all legal assistance activities in the Department of the Navy. Subject to the supervision of the Judge Advocate General, officers in charge of Naval Legal Service Offices, and all Marine Corps commanders exercising general court-martial authority, acting through their judge advocates, shall exercise supervision over all legal assistance activities within their respective areas of responsibility and shall ensure that legal assistance serv-

32 CFR Ch. VI (7-1-03 Edition)

ices are made available to all eligible personnel within their areas. The Judge Advocate General will collaborate with the American Bar Association, the Federal Bar Association, and other civilian bar organizations as he may deem necessary or advisable in the accomplishment of the objectives and purposes of the legal assistance program.

[42 FR 35957, July 13, 1977]

§ 727.12 Communications.

(a) Legal assistance officers are authorized to communicate directly with the Judge Advocate General, with each other, and with other appropriate organizations and persons concerning legal assistance matters.

(b) The use of a legal assistance office letterhead within the Department of the Navy is authorized as an exception to the standard letterhead requirements contained in Department of Defense Instructions. Naval Legal Service Offices and other commands having authorized legal assistance officers are authorized to print and use letterheads without seal or official command designation in those matters in which the correspondence pertains solely to legal assistance matters. Legal assistance officers are directed to ensure that their correspondence does not imply United States Navy or command sponsorship or approval of the substance of the correspondence. Such correspondence is considered a private-client matter arising from the attorney-client relationship as indicated in § 727.8.

[42 FR 35958, July 13, 1977, as amended at 65 FR 26749, May 9, 2000]

§ 727.13 Reports.

Each legal assistance office shall, by the 10th day of October of each year, prepare and submit to the Judge Advocate General one copy of the Legal Assistance Report (NAVJAG 5801/3 Rev. 12-78)) covering the preceding fiscal year. A final report shall be submitted on the disestablishment of the legal assistance office. Special reports shall be submitted when requested by the Judge Advocate General. Information copies of all reports shall be furnished to the supervising commander referred to in § 727.11. Reports symbol JAG-5801-1 is

Department of the Navy, DoD

Pt. 728

assigned for this reporting requirement.

[38 FR 6026, Mar. 6, 1973, as amended at 47 FR 41561, Sept. 21, 1982]

§ 727.14 Files and records.

(a) *Case files.* The material contained in legal assistance case files is necessarily limited to private unofficial matters and such material is privileged and protected under the attorney-client relationship. Each legal assistance office should therefore maintain only such files as are necessary for the proper operation of the office.

(b) [Reserved]

[38 FR 6026, Mar. 6, 1973, as amended at 43 FR 17355, Apr. 24, 1978]

§ 727.15 Liberal construction of part.

The provisions of this part are intended to be liberally construed to aid in accomplishing the mission of legal assistance.

PART 728—MEDICAL AND DENTAL CARE FOR ELIGIBLE PERSONS AT NAVY MEDICAL DEPARTMENT FACILITIES

Subpart A—General

Sec.

- 728.1 Mission of Navy Medical Department facilities.
- 728.2 Definitions.
- 728.3 General restrictions and priorities.
- 728.4 Policies.

Subpart B—Members of the Uniformed Services on Active Duty

- 728.11 Eligible beneficiaries.
- 728.12 Extent of care.
- 728.13 Application for care.
- 728.14 Pay patients.

Subpart C—Members of Reserve Components, Reserve Officers' Training Corps, Navy and Marine Corps Officer Candidate Programs, and National Guard Personnel

- 728.21 Navy and Marine Corps reservists.
- 728.22 Members of other reserve components of the uniformed services.
- 728.23 Reserve Officers' Training Corps (ROTC).
- 728.24 Navy and Marine Corps Officer Candidate Programs.

- 728.25 Army and Air Force National Guard personnel.

Subpart D—Retired Members and Dependents of the Uniformed Services

- 728.31 Eligible beneficiaries and health benefits authorized.
- 728.32 Application for care.
- 728.33 Nonavailability statement (DD 1251).
- 728.34 Care beyond the capabilities of a naval MTF.
- 728.35 Coordination of benefits—third party payers.
- 728.36 Pay patients.

Subpart E—Members of Foreign Military Services and Their Dependents

- 728.41 General provisions.
- 728.42 NATO.
- 728.43 Members of other foreign military services and their dependents.
- 728.44 Members of security assistance training programs, foreign military sales, and their ITO authorized dependents.
- 728.45 Civilian components (employees of foreign military services) and their dependents.
- 728.46 Charges and collection.

Subpart F—Beneficiaries of Other Federal Agencies

- 728.51 General provisions—the “Economy Act.”
- 728.52 Veterans Administration beneficiaries (VAB).
- 728.53 Department of Labor, Office of Workers' Compensation Programs (OWCP) beneficiaries.
- 728.54 U.S. Public Health Service (USPHS), other than members of the uniformed services.
- 728.55 Department of Justice beneficiaries.
- 728.56 Treasury Department beneficiaries.
- 728.57 Department of State and associated agencies.
- 728.58 Federal Aviation Agency (FAA) beneficiaries.
- 728.59 Peace Corps beneficiaries.
- 728.60 Job Corps and Volunteers in Service to America (VISTA) beneficiaries.
- 728.61 Medicare beneficiaries.

Subpart G—Other Persons

- 728.71 Ex-service maternity care.
- 728.72 Applicants for enrollment in the Senior Reserve Officers' Training Program.
- 728.73 Applicants for enlistment or reenlistment in the Armed Forces, and applicants for enlistment in the reserve components.
- 728.74 Applicants for appointment in the regular Navy or Marine Corps and reserve components, including members of